

# City Council Agenda

## AMENDED AGENDA (to add Closed Session Item C-2)

Council President  
Blong Xiong

Councilmembers

Oliver L. Baines III  
Lee Brand  
Steve Brandau – Acting President

Paul Caprioglio  
Clinton J. Olivier  
Sal Quintero

City Manager  
Mark Scott

City Clerk  
Yvonne Spence, CMC

Interim City Attorney  
Francine M. Kanne

The meeting room is accessible to the physically disabled. If you require special assistance to participate in the meeting, notify the Office of the City Clerk at 559-621-7650 at least three business days prior to the meeting. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, contact Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

## March 7, 2013

### 8:30 A.M. ROLL CALL

Invocation by Patrick Wiemiller

Pledge of Allegiance to the Flag

### Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Councilmember Brand

Proclamation of “MULTIPLE SCLEROSIS AWARENESS WEEK” – Councilmember Brand

Proclamation of “FRESNO FOOD EXPO DAY” - Mayor’s Office

Proclamation of “NATIONAL AG WEEK” – Acting President Brandau

Proclamation of “SAFE PLACE WEEK” – Councilmember Baines

The agenda and related staff reports are available on ([www.fresno.gov](http://www.fresno.gov)) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

**PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk’s Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of February 28, 2013

**Action Taken:**

Councilmember Reports and Comments

**Action Taken:**

Approve Agenda

**Action Taken:**

Adopt Consent Calendar

**Action Taken:**

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. \* Authorize the Chief of Police to enter into a Memorandum of Understanding (MOU) with the Fresno County Economic Opportunities Commission for \$50,000 for the removal of tattoos from gang affiliated individuals choosing to abandon the gang lifestyle – Police Department

**Action Taken:**

- B. Approve the first amendment to agreement with MWH America's Inc., increasing the contract amount by \$30,000 for a total contract amount of \$324,016 for aquifer storage and recovery and groundwater banking feasibility studies and extend the project completion date to June 30, 2013 and authorize the Director of Public Utilities or his designee to sign the amendment on behalf of the City (**Citywide**) – Department of Public Utilities

**Action Taken:**

- C. **RESOLUTION** - Ordering the summary vacation of a portion of San Joaquin Street northeasterly of "L" Street and a portion of "L" Street northwesterly of San Joaquin Street (**Property located in District 3**) – Public Works Department

**Action Taken:**

1. **CONSENT CALENDAR CONTINUED**

D. **Actions pertaining to agreements with various school districts relating to conducting informal science programs (*Property located in Districts 1, 2, 3, 5, & 7*) - Parks, After School, Recreation and Community Services Department (PARCS)**

1. Approval of an agreement for \$72,112.50 with Fresno County Office of Education (FCOE) for the Parks, After School, Recreation and Community Services Department (PARCS) to conduct the informal science program at Lowell, San Joaquin, Burroughs and Sunset Elementary Schools running through June 30, 2013  
**Action Taken:**
2. Approval of agreements for \$83,563.25 with Fresno Unified School District (FUSD) for the Parks, After School, Recreation and Community Services Department (PARCS) to conduct the informal science program at Carver, Kratt, and Gibson Elementary Schools and the Fresno BEST program at Sunnyside, Fresno, and McLane High Schools running through June 30, 2013  
**Action Taken:**
3. Approval of an agreement for \$6,352.50 with Clovis Unified School District (CUSD) for the Parks, After School, Recreation and Community Services Department (PARCS) to conduct the informal science program at Jefferson Elementary School District running through June 30, 2013  
**Action Taken:**
4. \* **RESOLUTION** - 43rd amendment to the Annual Appropriation Resolution (AAR) No. 2012-125 appropriating \$162,000.00 in the Parks, After School, Recreation and Community Services Department (PARCS) to conduct the informal science program for Fresno County Office of Education, Fresno Unified School District, and Clovis Unified School District and the Fresno BEST program at Fresno Unified School District running through June 30, 2013 (***Requires 5 affirmative votes***)  
**Action Taken:**

E. **Approve the appointments of Francine Oputa, James Poptanich, Laurel Prysiazny, and Cindy Wathen to the Fresno Poet Laureate Selection Committee – Mayor's Office**  
**Action Taken:**

F. **BILL NO. B-4 – (*Intro. 2/28/2013*) (*For adoption*) – Amended uncodified ordinance to adopt to changes and additions to the official list of designated special speed zones designating speed limits for various streets within the City of Fresno pursuant to Section 14-1501 of the Fresno Municipal Code – Public Works Department**  
**Action Taken:**

G. **Actions pertaining to amendments to the Fresno Municipal Code relating to Taxi Cabs – Councilmember Olivier**

- a. Adopt a Finding of a Categorical Exemption pursuant to Section 15061(b)(d) of the California Environmental Quality Act Guidelines that there is no possibility that the action may have a significant effect on the environment  
**Action Taken:**
- b. \* **BILL NO. B-7 - (*Intro. 2/28/2013*) (*For adoption*)** - Amending Sections 9-908, 9-919 and 9-921 of the Fresno Municipal Code relating to taxi cabs  
**Action Taken:**

**CONTESTED CONSENT CALENDAR**

2. **GENERAL ADMINISTRATION**

A. **Actions pertaining to the sewer rehabilitation in McKinley Avenue, from Clovis Avenue to Clinton Way (Property located in District 4) – Department of Public Utilities**

1. Adopt a finding of Class 1 and 2 Categorical Exemptions, pursuant to Section 15301(b) (existing facilities) and 15302 (c) (replacement or reconstruction) of the California Environmental Quality Act Guidelines  
**Action Taken:**
2. Award a \$882,490 contract to SAK Construction of O'Fallon, Missouri **(Need complete title)**  
**Action Taken:**
3. Authorize the Director of Public Utilities or his designee to sign the contract on behalf of the City  
**Action Taken:**

3. **CITY COUNCIL**

A. **COUNCIL BOARDS AND COMMISSIONS COMMUNICATIONS AND ASSIGNMENTS:**

1. Council of Governments – Swearengin-Ex-Officio, (Alternate-vacant)
2. Financial Audit Committee – Brand, Olivier, (Vacant)
3. Fresno Area Workforce Investment Corporation - Baines
4. Fresno County Transportation Authority (FCTA) - Swearengin, Brandau
5. Fresno Regional Workforce Investment Board - Renena Smith
6. Fresno County Zoo Authority - Swearengin, Baines - Alternate
7. Fresno Madera Area Agency on Aging Board - Olivier
8. Joint Powers Financing Authority - Olivier
9. Leadership Council on Ending Homelessness - Swearengin, Baines
10. San Joaquin River Conservancy Board - Swearengin, (Alternate-vacant)
11. Association for the Beautification of Highway 99 - Baines
12. Upper Kings Basin Integrated Regional Water Management JPA - Xiong
13. Pension Reform Task Force – Brand, Xiong, (vacant)
14. Economic Development Corporation Serving Fresno County – Brandau-Ex-Officio
15. Fresno/Clovis Convention & Visitors Bureau (CV) - Renena Smith
16. League of California Cities (annual meeting) - Swearengin, Xiong - Alternate
17. San Joaquin Valley Air Pollution Control District - Baines
18. Infill Development Ad Hoc Subcommittee - Brand, Baines, Olivier  
**Action Taken:**
19. Council appointments, reappointments, removals, to/from City and Non-City Boards and Commissions  
**Action Taken:**

4. **CLOSED SESSION**

A. **CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6**

**City Negotiator (s):** Ken Phillips

**Employee Organizations:**

1. IUOE, Stationary Engineers, Local 39 (L39)
2. Fresno City Employees Association (FCEA)
3. Fresno Police Officers Association (FPOA Basic)
4. International Association of Firefighters, Local 753 (Fire Basic)
5. Amalgamated Transit Union, Local 1027 (ATU)
6. International Brotherhood of Electrical Workers, Local 100 IBEW)
7. Fresno Police Officers Association (FPOA Management)
8. International Association of Firefighters, Local 753 (Fire Mgmt)
9. City of Fresno Professional Employees Association (CFPEA)
10. City of Fresno Management Employees Association (CFMEA)
11. Fresno Airport Public Safety Supervisors (FAPSS)

**Action Taken:**

4. **CLOSED SESSION CONTINUED**

**B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - Government Code Section 54956.9, Subdivision (b)**

**Significant Exposure to Litigation:**

1. Pacific Gas and Electric Company v. City of Fresno

**Action Taken:**

**C. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code section 54956.9, Subdivision (d)**

1. Sunset Waste Paper, Inc. v. City of Fresno
2. Citizens for the restoration of "L" Street v. City of Fresno, City Council of the City of Fresno, City of Fresno Development and Resource Management Department; Fresno Historic Preservation Commission; Fresno County Superior Court Case #11CECG04172

**Action Taken:**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

**10:00 A.M. Actions pertaining to the Cultural Arts District Park - PARCS**

- a. Adopt Environmental Assessment No. EA-12-014 for a finding of a Mitigated Negative Declaration for the construction of the Cultural Arts District Park **(Property located in District 3)**

**Action Taken:**

- b. Approve the acquisition of four (4) parcels totaling approximately 0.77-acre owned by the bypass trust of the Herbert and Frances Levy Living Trust dated April 16, 1993, and by the Robert L. Boro Trust, dated March 28, 2005, and the Boro Family Trust, dated December 14, 1995, for the future construction of a park at the southwest corner for Fulton Street and Calaveras Avenue

**Action Taken:**

**10:15 A.M. HEARING to consider Rezone Application No. R-11-005 and related environmental findings, filed by Fresno Developers, LLC, for the property located on the northwest corner of W. Shields and N. Marty Avenues (Property located in District 1) – Development and Resource Management Department**

**Action Taken:**

- a. Consider and adopt the environmental finding of a Finding of Conformity with the 2025 Fresno General Plan MEIR and Air Quality MND prepared for Environmental Assessment No. C-10-083/R-11-005

**Action Taken:**

- b. **BILL** - Amending the Official Zone Map to rezone the subject property from the C-P/UGM/cz (Administrative & Professional Office District/Urban Growth Management/conditions of zoning) zone district to the C-P/UGM (Administrative & Professional Office District/Urban Growth Management) zone district

**Action Taken:**

**10:30 A.M. Direct staff of the City of Fresno to initiate the hearing process for the proposed increase of water utility rates - Department of Public Utilities**

**Action Taken:**

**1:30 P.M. WORKSHOP relating to Housing/HUD Programs (Meeting Room "A")**

**PLEASE NOTE: UNSCHEDULED COMMUNICATIONS IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING**

**UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

**Mar. 14 - NO MEETING - RECESS**

**Mar. 21 - MEETING BEGINS AT 1:30 P.M.**

**Mar- 21- 1:30 P.M. HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 48 (Final Tract Map No. 6003 and 6004) (Property located in District 6) (Southeast corner of E. Copper and N. Maples Avenues)

**Mar- 21- 1:45 P.M. CONTINUED HEARING** to consider formation of Underground Utility District No. FRE-92 on the north side of Nees Avenue from 0.2 miles west of Willow Avenue to Willow Avenue – **(Property located in District 6)** - Public Works Department

**Mar- 21- 4:00 P.M. WORKSHOP** relating to proposed project in the Millerton Specific Plan Area presented by Granville Homes – Council President Xiong

**Mar- 28- 10:00 A.M. HEARING** re: Rezone R-09-012 for approval of a 10-story building at Friant/41

**UPCOMING EMPLOYEE CEREMONIES**

**April 24 (Weds) 2:00 P.M.** Presentation of Employee Service Awards - Council Chambers – **(Reception immediately following - 2<sup>nd</sup> floor foyer)**

**May 23 - 8:30 A.M.** Presentation of P.R.I.D. E. Team Certificates for the spring quarter **(Reception immediately following - 2<sup>nd</sup> floor foyer)**